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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

| | | |
|---------------------------|---|-------------------------------------------|
| UNITED STATES OF AMERICA, |) | CR 08-00866-EJD |
| |) | |
| Plaintiff, |) | STIPULATION AND PROPOSED ORDER |
| |) | TO CONTINUE MOTIONS HEARING |
| v. |) | |
| |) | |
| STEPHEN JOSEPH HEUER and |) | |
| ROBERT TERRY BOHEN, |) | |
| |) | |
| Defendants. |) | |

The United States, through its counsel Jeffrey Nedrow, and defendants Stephen Joseph Heuer and Robert Terry Bohen, through the concurrence of Mr. Heuer representing himself pro se and Manuel Araujo, hereby agree and stipulate to continue the hearing on defendant Heuer's motions to dismiss in this case presently scheduled for Monday, September 12, 2011 at 1:30 p.m. to Monday, October 3, 2011 at 1:30 p.m. before this Court. This continuance is requested for the following reasons:

1) Counsel for the government will be out of state on September 12, 2011 and unavailable to handle the motions hearing. Undersigned government counsel is respectfully requesting the

1 opportunity to be present at the hearing in this matter. After consultation with Mr. Heuer and
2 Mr. Araujo, the government understands that October 3, 2011 is available to all parties, and thus
3 respectfully requests that the matter be re-set for that date.

4 For these reasons, the parties respectfully request that the Court continue the sentencing
5 hearing in this case from September 12, 2011 to October 3, 2011 at 1:30 p.m.

6 The parties further agree that the time from September 12, 2011 to October 3, 2011 is
7 excludable time from the tenets of the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(1)(D) in
8 light of the pending motion to dismiss in this case.

9 It is so stipulated.

10 Respectfully submitted,

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12 MELINDA HAAG
13 UNITED STATES ATTORNEY

14 Dated: August 29, 2011

15 /s/
JEFFREY D. NEDROW
Assistant U.S. Attorney

16 Dated: August 29, 2011

17 /s/
STEPHEN JOSEPH HEUER

18 /s/
MANUEL ARAUJO
19 Attorney for Robert Terry Bohen
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ORDER

Based on the stipulation of the parties and the facts set forth herein, good cause appearing,

IT IS HEREBY ORDERED that date of the hearing on defendant's motions to dismiss in this case is continued from September 12, 2011 to October 3, 2011 at 1:30 p.m. before this Court. The Court finds the time from September 12, 2011 to October 3, 2011 excludable pursuant to the stipulation between the parties and by virtue of the pending motion to dismiss in this case, pursuant to 18 U.S.C. § (h)(1)(D).

Dated this 1st day of Ugr vgo dgt, 2011.


EDWARD J. DAVILA
United States District Judge